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THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

SECURITY COUNCIL
Forty-ninth year

Letter dated 9 February 1994 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General

I have the honour to attach herewith the text of the statement by the President of the Republic of Haiti, His Excellency Jean-Bertrand Aristide, concerning the fate of the Haitian refugees fleeing the repression that has reigned in Haiti since the coup d'état of 30 September 1991 (see annex).

As you know the Haitians who leave the country at the risk of their lives to escape the persecution and repression of which they are victims are systematically sent back and denied the right of asylum guaranteed to them under the relevant international legal instruments.

In that connection my Government would appreciate it if the United Nations could assist the Haitian refugees in securing the international protection they deserve.

I would be grateful if you could arrange to circulate this letter and its annex as an official document of the General Assembly under agenda item 31, and of the Security Council.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

ANNEX

Statement made in Washington on 8 February 1994 by the President of the Republic of Haiti

Since the brutal military coup d'état, more than 5,000 Haitian citizens have been summarily executed by members of the Army and by their civilian supporters. Recently, 12 young people were killed because they belonged to democratic organizations. Today, we received news from Florida reporting the drowning of between four and six refugees who were attempting to escape from Haiti, while 14 others were reported missing at sea. The number of victims grows week by week, since those who are defending democracy in Haiti are killed, tortured or forced to flee the repression but then encounter a floating "Berlin Wall" which forces them back to the very persecutors from whom they were trying to escape.

One of the main reasons for my election and the election of my Government was to ensure the protection of and respect for the rule of law, at both the national and the international level. After the Second World War, the nations of the world recognized that it was morally indefensible that persons fleeing their country to escape death should be sent back to those seeking to do them harm. This moral undertaking is embodied in the international covenants designed to prevent the refoulement of persons fleeing persecution to their torturers and to enable the refugees to benefit from the right of asylum. The Republic of Haiti has rejoined the world community in its action for the protection of refugees. Article 33 of the United Nations Convention and Protocol relating to the Status of Refugees, article XXVII of the Inter-American Declaration of the Fundamental Rights and Duties of Man, article 22 of the Inter-American Human Rights Convention and article 14 of the Universal Declaration of Human Rights all provide for the protection of refugees fleeing persecution and repression in their country. The citizens of Haiti who today are seeking such a refuge must enjoy the protection stipulated by international law. My Government has always respected that undertaking.

Some people have interpreted our efforts to find a solution to the refugee crisis through the immediate restoration of democracy as an abandonment of the refugees to their fate, and as a failure in our undertaking to respect and protect human rights as enunciated in international law. That is not the case. We have simply requested that Haitian citizens remain in Haiti and pursue the struggle for democracy there, convinced that, with the support of the international community, our efforts would quickly lead to the restoration of democracy. The Government has not abandoned and will not abandon its nationals fleeing the political situation stemming from the coup d'état in Haiti. We reaffirm our unswerving support for the Haitian refugees and for the international laws which provide for their protection. We reaffirm our commitment to the principle of law among nations as laid down in those human-rights conventions and hoped that sister nations will do likewise. To all Haitian citizens seeking freedom, we reaffirm our obligations to defend their rights in the context of international laws, and we support all efforts aimed at giving effect to the international agreements which guarantee their protection.

The Government of Haiti expresses its profound concern at the prohibition placed on its citizens seeking to protect their lives from the aftermath of the brutal coup d'état which has engulfed our nation. Today, I requested our ambassadors to the Organization of American States and to the United Nations to reiterate before those bodies our grave concern with regard to international protection. Today, I also requested, through the intermediary of our embassies in the American States, the assistance of sister nations in the protection of those refugees and respect for the rule of law in our hemisphere. I am prepared to invoke the six months' deferment provided for in the prohibition treaty. The legal advisers of the Government of Haiti will not abandon the Haitian refugees fleeing persecution, and will continue to honour the principles of law in this hemisphere and throughout the world.